

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2006- 10

AN ORDINANCE ANNEXING 1.26 ACRES, APPROVING RIDER ANNEXATION (ZCA2006-00001), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on August 8, 2006, to consider the annexation of one (1) parcel (WCTM 1S209AC02101) of land on the south side of SW Bull Mountain Road and east of SW 133rd Avenue and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on August 8, 2006; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the zoning district at the time of application was R-7, an existing City zone that was adopted by the County, and the zoning after annexation would automatically become City of Tigard R-7, and by annexation the Comprehensive Plan of the City of Tigard goes into effect; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcel described in the attached Exhibit "A" and shown in Exhibit "B" and withdraws said parcel from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" as findings in support of this decision; a copy is attached hereto as Exhibit "D" and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2007.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 8th day of August, 2006.

Catherine Wheatley
Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this 8th day of August, 2006.

C. Dirksen
Craig Dirksen, Mayor

Approved as to form:

Emily Frestone
City Attorney

8.8.06
Date

Alberta Rider "Life Estate Parcel"
Milstead & Associates
Project No. 333-06
May 11, 2006
Amended May 12, 2006

PROPERTY DESCRIPTION

A tract of land, described as "Exhibit 3" by Document No. 97-048724, Washington County Deed Records, situated in the Northeast Quarter of Section 9, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, Washington County, Oregon, being a portion of that property conveyed to Tigard-Tualatin School District 23J as "Exhibit B" by Document No. 2005-161425, Washington County Deed Records, and being more particularly described as follows:

Beginning at the northwest corner of SUMMIT RIDGE; thence, along the west line of said "Exhibit B" tract, North $01^{\circ}14'56''$ East, 887.87 feet to the southerly right-of-way line of S.W. Bull Mountain Road (Co. Rd. 147-1/2) being 35.00 feet southerly of, when measured at right angles to the centerline thereof, as dedicated for street by Document 2005-017573; thence along said right-of-way line, South $59^{\circ}20'02''$ East, 171.62 feet to the west line of said "Exhibit 3" tract and the True Point of Beginning of this description; thence continuing along said right-of-way line, South $59^{\circ}20'02''$ East, 124.04 feet to the beginning of a 445.00 foot radius curve to the left; thence continuing along said right-of-way line on said curve, through a central angle of $13^{\circ}00'36''$ (chord bears South $65^{\circ}50'20''$ East, 103.09 feet) an arc length of 103.32 feet to the east line of said "Exhibit 3" tract; thence along said east line, South $01^{\circ}14'56''$ West, 216.23 feet to the southeast corner thereof; thence along the south line of last said tract, South $88^{\circ}45'33''$ West, 203.00 feet to the southwest corner thereof; thence along the west line of last said tract North $01^{\circ}14'56''$ East, 317.32 feet to the True Point of Beginning.

The area contained within said tract being 1.222 acres, more or less.

Bearings are based upon S.N. 29,834 Washington County Surveyor Records.

ANNEXATION CERTIFIED
BY JB
MAY 12 2006
WASHINGTON COUNTY A & T
CARTOGRAPHY

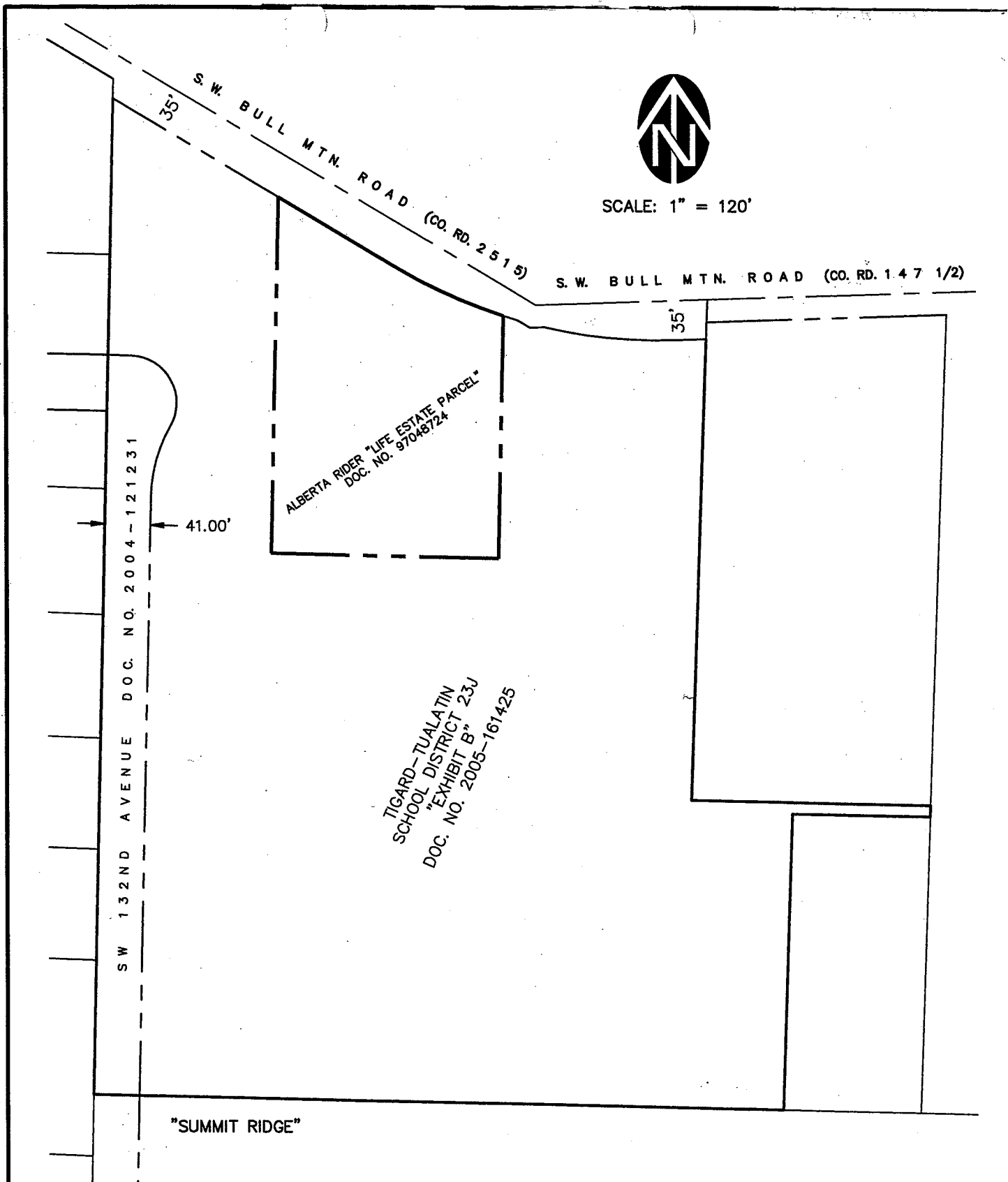


EXHIBIT MAP
 NORTHEAST 1/4, SECTION 9,
 T.2S., R.1W., W.M.
 WASHINGTON COUNTY, OREGON

MILSTEAD & ASSOCIATES

DATE	5/11/06
DRAWN BY	GRA
CHECKED BY	DDL
REVISIONS	
JOB NO.	333-06



WESTLAKE
 CONSULTANTS INC.

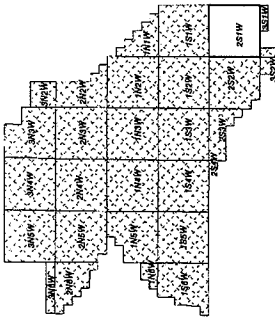
ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
 15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
 TIGARD, OREGON 97224 FAX (503) 624-0157

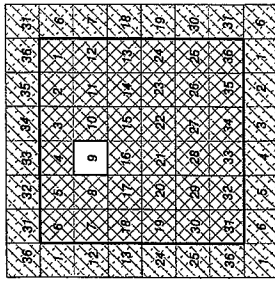
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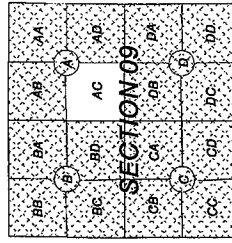
2S 1 09AC



WASHINGTON COUNTY OREGON
SW1/4 NE1/4 SECTION 09 T2S R1W W.M.
SCALE 1" = 100'

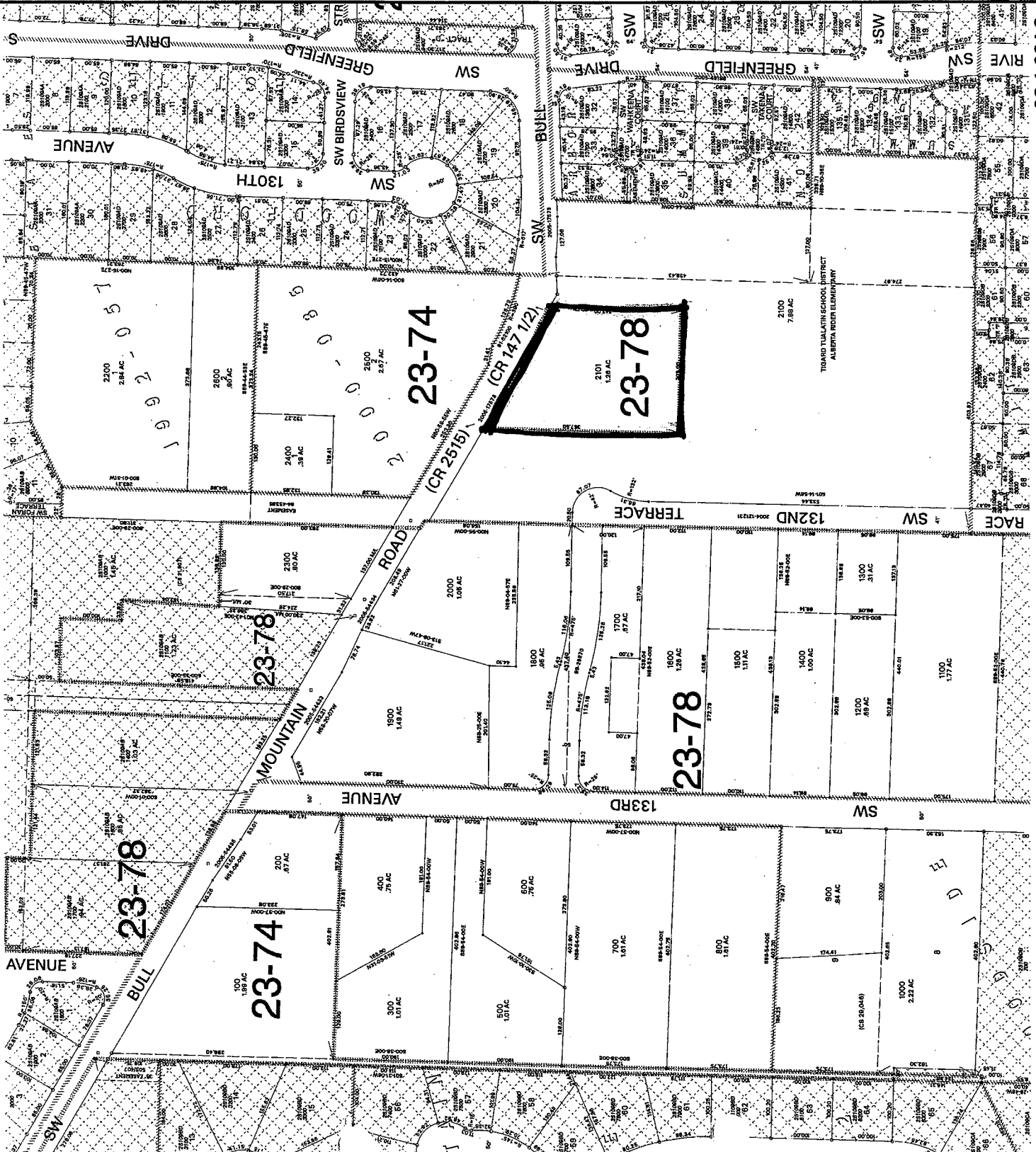


**FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.CO.WASHINGTON.OR.US**



PLOT DATE: February 09, 2006.
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



dlg2s1w09

TO THE COUNCIL OF THE CITY OF TIGARD, OREGON:

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

PO - Property Owner

RV - Registered Voter

OV - Property Owner & Registered Voter

[illegible]

Agenda Item:

Hearing Date: August 8, 2006 Time: 7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: RIDER ANNEXATION
CASE NOS: Zone Change Annexation (ZCA) ZCA2006-00001

APPLICANT/ OWNER'S REP:	Milstead and Associates Attn: Nicole Stewart 10121 SE Sunnyside Road, Suite 335 Clackamas, OR 97015	OWNER:	Tigard-Tualatin School District 23J c/o Alberta Rider Life Estate Attn: Bradley Hoskins 6960 SW Sandburg Street Tigard, OR 97223
RESIDENT & VOTER:	Alberta Rider 13030 SW Bull Mountain Road Tigard, OR 97224		

PROPOSAL: The applicant is requesting to annex one (1) parcel consisting of approximately 1.26 acres of land into the City of Tigard.

LOCATION: 13030 SW Bull Mountain Road; WCTM 2S109AC, Tax Lot 02101. The proposed territory is located on the south side of SW Bull Mountain Road, east of SW 133rd Avenue and west of Greenfield Drive.

**CURRENT
ZONING**

DESIGNATION¹: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

**EQUIVALENT
CITY ZONING**

DESIGNATION: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and

¹ At the time of application (May 3, 2006).

subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

**APPLICABLE
REVIEW**

CRITERIA: ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation (ZCA2006-00001) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390. Therefore, staff recommends APPROVAL of ZCA2006-00001 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

Site Information:

The proposed annexation territory is 1.26 acres and located on the south side of SW Bull Mountain Road, east of SW 133rd Avenue and west of Greenfield Drive. It is made up of one (1) tax lot (WCTM 2S109AC, Tax Lot 02101) and contiguous to the City of Tigard on all sides (4). The proposed territory is surrounded by the Alberta Rider School on three sides and abuts SW Bull Mountain Road on its northern boundary. The proposed territory is part of unincorporated Bull Mountain and the City's Urban Service Area, which means that the provisions of the City of Tigard's *Urban Service Agreement (TUSA)* and *Urban Planning Area Agreement (UPAA)* apply. One single family dwelling and one secondary dwelling exist in the proposed territory, which has a slope of approximately 8 percent. No Goal 5 resources, regionally significant habitat or other sensitive lands have been identified on the site. The Bull Mountain Community Plan does not identify any significant natural resources on the site.

The applicant desires to annex the proposed territory so that it can receive sewer services. Because of the failing onsite gray water disposal system, the proposed territory has been connected to the City sewer system; however, the connection is contingent upon annexation. Because all adjacent properties are within city limits, it was not necessary to invite adjacent owners to join the annexation. The proposed annexation does not include any right-of-way because the adjacent right-of-way is already within the City (ZCA91-00012 Foran Annexation). No previous land use decisions are related to the tax lot alone and there are currently no pending decisions related to the site other than the proposed annexation.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

State: ORS Chapter 222

Regional: Metro Code Chapter 3.09

City: Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

1. Chapter 18.320.020: Approval Process and Standards.

B. Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

- 1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and**

The City of Tigard Comprehensive Plan's Urbanization Chapter (Policy 10.1.1) defines "services" as water, sewer, drainage, streets, police, and fire protection. When the City received this application on May 3, 2006, the proposed annexation territory was zoned R-7, a medium-density single-family residential zone with a minimum residential lot size of 5,000 square feet. The proposed territory will be automatically zoned City of Tigard R-7 upon annexation. The property currently has water service, as well as access to water from an on-site well. The nearest sanitary sewer line is in SW 132nd Avenue. Because of the failing onsite gray water disposal system, the subject property has been connected to this sewer line prior to annexation. The continuance of this connection is contingent upon approval of the proposed annexation. Storm drainage is available on SW Bull Mountain Road. A fire hydrant is located on SW Bull Mountain Road less than 200 feet from the northwest corner of the proposed territory.

For streets, the City's Transportation System Plan (TSP) standards apply. The proposed territory is located on SW Bull Mountain Road, which is designated a collector in the TSP. Currently, the proposed territory has direct access to SW Bull Mountain Road. The City of Tigard departments of Public Works, Engineering and Police have reviewed the annexation proposal and have not raised any objections or indicated that there would be a lack of service capacity for the proposed territory or a significant reduction in existing City service levels. Tualatin Valley Fire and Rescue (TVF&R), which currently serves the proposed territory, did not have objections to the proposal. Based upon this review, staff finds that all public services (as defined by the Comprehensive Plan) are available to the proposed annexation territory and all public services have sufficient capacity to provide service to the proposed annexation territory.

- 2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.**

Three Comprehensive Plan policies apply to proposed annexation: 2.1.1, 10.1.1., and 10.1.2. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Policy 2.1.1: Citizen Involvement. The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places on June 9, 2006²: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the public right-of-way at 13030 SW Bull Mountain Road. The City published notice of the hearing in *The Tigard Tualatin Sherwood Times* for two

² Due to a scheduling change, notice was posted 15 days earlier than the required 45 days prior to the hearing.

successive weeks (July 20, 2006 and July 27, 2006) prior to the August 8, 2006, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on July 17, 2006. In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties in the West area on July 17, 2006, which includes former Citizen Involvement Team contacts and CPO 4B, the citizen participation organization for the area. Staff finds that this policy is met.

Policy 10.1.1: Urbanization. Prior to the annexation of land to the City of Tigard,

a) the City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard: 1. Water; 2. Sewer; 3. Drainage; 4. Streets; 5. Police; and 6. Fire Protection.

As addressed under 18.320.020 above, adequate service is available to the proposed annexation territory. At the time of application, the proposed territory was zoned R-7, a medium-density single-family residential zone with a minimum residential lot size of 5,000 square feet. The proposed territory will be automatically designated the same zoning upon annexation. The site has an estimated maximum density of 8 units.³ If it develops, it will be required to connect to public service facilities, which staff has found to be available to the proposed territory.

The City of Tigard department of Public Works has reviewed the annexation proposal and states that the City's water system can provide the minimum State of Oregon water service requirements for the proposed territory based on the maximum density permitted. Public Works states that water is available in quantity and quality and has not indicated that there would be a reduction in its capacity to provide water to the proposed annexation territory or reduce the level of service to the entire City. The Police Department reviewed the proposal and has no objections. The Engineering Department reviewed the proposal and has no objections. The Engineering Department confirmed that sewer service, storm drainage and street access are available to the site. Tualatin Valley Fire and Rescue (TVF&R), the current provider to the proposed territory, did not raise any objections. Staff concludes that there is adequate capacity to serve the proposed territory (water, sewer, drainage, streets, police, fire protection) if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

b) If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: 1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) Sewer, c) Drainage, and d) Streets. 2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply: No capital improvements program requires a nonremonstrance agreement for this area. Urban services are already available to the proposed annexation territory.

c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

The Tigard Urban Planning Area (as defined in the *Washington County – Tigard Urban Planning Area Agreement (UPAA)*, (adopted 1988, revised 2004) includes the proposed annexation territory. The City

³ Maximum density was calculated using formula provided in Code Chapter 18.715.

is the designated urban services provider for the services defined in the *Tigard Urban Service Agreement (USA)* (adopted 2002) and subsequent operating agreements: police; parks, recreation and open space; roads and streets; sanitary sewer and storm water (through an operating agreement with CWS); and water service. Upon annexation, those services will be provided according to the City's current policies. Staff finds that this policy is met.

Policy 10.1.2: Urbanization. Approval of proposed annexations of land by the City shall be based on findings with respect to the following: a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory; or, b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City; c) The Police Department has commented upon the annexation; d) the land is located within the Tigard Area of Interest and is contiguous to the City boundary; e) The annexation can be accommodated by the services listed in 10.1.1(a).

a) The proposed annexation territory is an island of unincorporated territory in Washington County, surrounded by the City of Tigard on all sides. Annexing the proposed territory would eliminate a 1.26-acre island of unincorporated territory.

b) Annexing the proposed territory will not create an irregular boundary because it is already surrounded by the City on all sides.

c) The City of Tigard Police Department has reviewed the proposed annexation and has no objections.

d) The *UPAA (1988; 2004)* includes the proposed annexation territory within the City of Tigard Area of Interest. The proposed territory is contiguous to the City on all sides (4).

e) As staff's response to Policy 10.1.1 (a) demonstrated, the annexation can be accommodated by the following services: water, sewer, drainage; streets; police; and fire protection.

Therefore, staff finds that the proposed annexation meets Policy 10.1.2.

Policy 10.1.3: Urbanization. Upon annexation of land into the City which carries a Washington County zoning designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the county zoning designation.

Washington County previously adopted City of Tigard zoning designations for unincorporated Bull Mountain due to the *Urban Services Intergovernmental Agreement* (adopted 1997; revised 2002; terminated 7/20/2006) in which Tigard performed building and development services for the Bull Mountain Area on behalf of the County. The proposed annexation territory's Washington County designation was R-6 and was converted to Tigard's R-7 (Table 320.1 summarizes the conversion of the County's plan and zoning designations). As of July 20, 2006, the USIA will be terminated and zoning of unincorporated territory on Bull Mountain will revert back to its equivalent Washington County designation. At the time the application was received (May 3, 2006), the proposed territory was zoned R-7 and the proposed territory will be automatically zoned City of R-7 upon annexation.

**TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS**

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial

Chapter 18.320.020

C. Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

As the previous section demonstrated, no changes to the zoning designations are required for the proposed territory, as the designation at the time of application already reflects a City of Tigard designation.

City of Tigard Community Development Code

2. Chapter 18.390.060: Type IV Procedure

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020(B), which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 10 days prior to the hearing by mail and to publish newspaper notice; the City mailed notice on July 17, 2006, and published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (July 20, 2006, and July 27, 2006,) prior to the August 8, 2006, public hearing.

Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and therefore is in compliance with state planning goals.

2. Any federal or state statutes or regulations found applicable;

ORS 222: State law (ORS 222.125) allows for a city to annex contiguous land when owners of real property in the proposed annexation territory submit a petition to the legislative body of the city.⁴ ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The property owner and the resident/active voter of 13030 SW Bull Mountain Road (WCTM 2S109AC, Tax Lot 2101) have both submitted a petition for annexation to the City. The proposed territory (Rider Annexation) is an island of unincorporated territory, contiguous to the City on all sides (4). The City published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (July 20, 2006, and July 27, 2006,) prior to the August 8, 2006, public hearing and posted the hearing notice at four public places on June 9, 2006: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the public right of way at the proposed territory. Staff finds that the provisions of ORS 222 have been met.

3. Any applicable METRO regulations;

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Note that the report is available 15 days before the hearing (July 24, 2006, for an August 8, 2006, hearing). Staff has determined that the applicable METRO regulations (Metro Code 3.09.040(b) &(d)) have been met based on the following findings:

Metro 3.09.040 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

As addressed previously in this report, urban services are available to the affected territory.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements *UPAA (1988, 2004); and TUSA (2002)*.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable policies of the City of Tigard Comprehensive Plan and urban service provider agreements (*UPAA (1988; 2004) and TUSA (2002)*). The proposed annexation territory is within the Urban Growth Boundary and subject to the Regional Framework Plan and Urban Growth Management Functional Plan provisions. There are no specific applicable standards or criteria for boundary

⁴ State law (ORS 222.750) also allows for the annexation of unincorporated territory surrounded by the corporate boundaries of a city with or without consent from property owners, voters or residents within the territory. While the proposed annexation could proceed in accordance with ORS 222.750, the City is processing the proposed annexation in accordance with ORS 222.125 because the property owner initiated the annexation request.

changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. However, the City's Comprehensive Plan and Development Code have been amended to comply with Metro functional plan requirements. By complying with the Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The proposed territory will remain within Washington County but will be required to be withdrawn from the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation.

(5) The proposed effective date of the decision.

The public hearing will take place August 8, 2006. If the Council adopts findings to approve ZCA2006-00001, the effective date of the annexation will be September 7, 2006.

Metro Code 3.09.040 (d)

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

The *TUSA (2002)* includes the proposed annexation territory. The agreement specifies notice requirements for land use planning actions; the City provided notice of the proposed annexation to all applicable parties. The agreement states that the County and City will be supportive of annexations to the City, and the City shall endeavor to annex unincorporated territory in the Bull Mountain area in the near to mid-term (accomplished by 2005-2007, as projected in the *TUSA*). The proposed territory is an island of unincorporated territory in the Bull Mountain area. The proposed annexation is consistent with this agreement.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The *UPAA (1988; 2004)* includes the proposed annexation territory. The City has followed all processing and notice requirements in the *UPAA*, providing Washington County with 45-day notice prior to the public hearing. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City." The City also provided notice to the affected CPO (CPO 4B) per the agreement. The annexation proposal is consistent with this agreement.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

As previously stated in this report, this proposal meets all applicable City of Tigard Comprehensive Plan provisions. This criterion is satisfied.

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

This criterion was addressed under Metro Code 3.09.040(b). By complying with the City of Tigard Community Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is consistent with the terms of the TUSA, which ensures the timely, orderly, and efficient extension of public facilities and urban services. The proposed territory is an island surrounded by existing city limits and urban services are available to the site. Serving the proposed territory at maximum density will not significantly reduce existing service levels, as shown in staff's findings for Code Chapter 18.320.020 B(1) on page 3 of this report.

6. The territory lies within the Urban Growth Boundary; and

The proposed territory is within Metro's Urban Growth Boundary.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

In previous sections, this report reviewed the proposal's consistency with other applicable criteria and found it to be consistent.

(Tigard CDC 19.390.060)

4. Any applicable comprehensive plan policies; and

As demonstrated in previous sections of this report, the proposed annexation is consistent with, and meets, all applicable comprehensive plan policies.

5. Any applicable provisions of the City's implementing ordinances.

There are no specific implementing ordinances that apply to this proposed annexation. Chapter 18 of the City Code will apply to development of the property.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police and Public Works departments have reviewed the proposal and have no objections, and have not indicated that the proposed annexation would reduce their capacity to provide services to the proposed annexation territory or reduce the level of City services. The Long-Range Planning Division has reviewed the proposal and has no objections. The Engineering Department has reviewed the proposal and has no objections.

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue, Tualatin Hills Park and Recreation District, Clean Water Services, Metro, the Tigard/Tualatin School District, Metro Area Communications and the Washington County Department of Land Use and Transportation were provided the opportunity to review this proposal and submitted no comments or objections.

Emily Eng
PREPARED BY: Emily Eng
Assistant Planner

7/24/2006
DATE

Tom Coffey
REVIEWED BY: Tom Coffey
Community Development Director

7-24-06
DATE